

SENATE BILL No. 175

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3.1-31.2-6; IC 16-18-2; IC 16-19-5-1; IC 16-37-1; IC 16-41-39.2; IC 16-42-5-23.

Synopsis: Various health matters. Places a cap on the greater of \$50 per employee or \$2,000 per taxpayer on the small employer qualified wellness program tax credit. Allows the state department of health (state department) to set a fee for searching or copying a record in the division of vital records. Authorizes a physician last in attendance of a deceased to initiate the document process for the death record. Maintains current system for reporting of stillbirths after changes in the reporting of births and deaths are implemented. Allows the state department to charge food establishments for subsequent inspections that result from a failed inspection. Establishes the food establishment data base fund. Requires the state department to establish a lead-based paint poisoning prevention program concerning renovations performed for compensation in target housing and child-occupied facilities. Repeals superseded provision that sets the fees for searching and copying records in the division of vital records.

Effective: Upon passage; July 1, 2010.

Miller

January 5, 2010, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 175

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-3.1-31.2-6, AS ADDED BY P.L.218-2007,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 6. A taxpayer is entitled to a credit against the
4 taxpayer's state tax liability for a taxable year in an amount equal to:

5 (1) fifty percent (50%) of the costs incurred by the taxpayer; and

6 (2) not to exceed the greater of:

7 (A) fifty dollars (\$50) per employee; or

8 (B) two thousand dollars (\$2,000) per taxpayer per return;

9 in a taxable year beginning after December 31, 2010;

10 during the taxable year for providing a qualified wellness program for
11 the taxpayer's employees during the taxable year.

12 SECTION 2. IC 16-18-2-54.7, AS ADDED BY P.L.57-2009,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: Sec. 54.7. "Child-occupied facility", for purposes
15 of lead-based paint activities, **IC 16-41-39.2**, and IC 16-41-39.8, means
16 a building or a portion of a building that:

17 (1) was constructed before 1978;



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(2) does not qualify as target housing (as defined in section 346.3 of this chapter); and

(3) is visited regularly by a child who is not more than six (6) years of age under the following circumstances described in clause (A), (B), or (C):

(A) The child visits at least two (2) days a week (Sunday through Saturday) and each of the visits lasts at least three (3) hours.

(B) The child visits at least six (6) hours each week.

(C) The child's combined annual visits during a calendar year total at least sixty (60) hours.

The term includes day care centers, preschools, and kindergarten classrooms. **The term also includes common areas and building exteriors.**

SECTION 3. IC 16-18-2-346.3, AS ADDED BY P.L.57-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 346.3. (a) "Target housing", for purposes of lead-based paint activities, **IC 16-41-39.2**, and IC 16-41-39.8, means housing constructed before January 1, 1978.

(b) The term does not include the following:

(1) Housing for the elderly or individuals with disabilities that is not occupied by or expected to be occupied by a child of not more than six (6) years of age.

(2) A building without a bedroom.

SECTION 4. IC 16-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) In addition to other fees provided by this title, the state department may establish and collect reasonable fees for specific services described under subsection (b) provided by the state department. The fees may not exceed the cost of services provided.

(b) Fees may be charged for the following services:

(1) Plan reviews conducted under rules adopted under IC 16-19-3-4(b)(13).

(2) Licensing of agricultural labor camps under IC 16-41-26.

(3) Services provided to persons other than governmental entities under rules adopted under IC 16-19-3-5.

(4) Services provided by the state health laboratory under IC 16-19-8.

(5) Services provided under IC 16-19-11-3.

(6) Services provided under IC 24-6 by the state metrology laboratory.

(7) Conducting searches or making copies of a record in the

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division of vital records, except for a verification issued to an agency of local, state, or federal government that is requested in writing by the agency.

SECTION 5. IC 16-37-1-3.1, AS ADDED BY P.L.61-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.1. (a) Beginning January 1, 2011, the state department shall establish the Indiana birth registration system (IBRS) for recording in an electronic format live births in Indiana.

(b) Beginning January 1, 2011, the state department shall establish the Indiana death registration system (IDRS) for recording in an electronic format deaths in Indiana.

(c) Submission of records on births and deaths shall be entered by:

- (1) funeral directors;
- (2) physicians;
- (3) coroners;
- (4) medical examiners;
- (5) persons in attendance at birth; and
- (6) local health departments;

using the electronic system created by the state department under this section.

(d) A person in attendance at a live birth shall report a birth to the local health officer in accordance with IC 16-37-2-2.

(e) Death records shall be submitted as follows, using the Indiana death registration system:

(1) The:

(A) physician last in attendance upon the deceased; or

(B) person in charge of interment;

shall initiate the document process. ~~and If the person in charge of interment initiates the process, the person in charge of interment shall~~ electronically submit the certificate required under IC 16-37-3-5 to the physician last in attendance upon the deceased not later than five (5) days after the death.

(2) The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death not later than five (5) days after:

(A) initiating the document process; or

(B) receiving under IC 16-37-3-5 the electronic notification from the person in charge of interment.

(3) The local health officer shall submit the reports required under IC 16-37-1-5 to the state department not later than five (5) days after electronically receiving under IC 16-37-3-5 the completed certificate of death from the physician last in attendance.

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SECTION 6. IC 16-37-1-5, AS AMENDED BY P.L.61-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The local health officer, on the fourth day of each month, shall report to the state department concerning the births, deaths, and stillbirths that occurred within the local health officer's jurisdiction within the preceding month. ~~However,~~

(b) After December 31, 2010, the local health officer, beginning five (5) days after electronically receiving the form required for the Indiana birth registration system or the Indiana death registration system, shall use the Indiana birth registration system and the Indiana death registration system established under section 3.1 of this chapter to report the births and deaths that occur in the local health officer's jurisdiction, and shall report each birth or death to the state department not later than five (5) days after being informed of the birth or death. **The local health department shall continue to report stillbirths in the manner described in subsection (a).**

~~(b)~~ (c) If there are no births, deaths, or stillbirths to report, the local health officer shall indicate that information each month in a format prescribed by the state department.

SECTION 7. IC 16-37-1-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11.5. In addition to the fee charged by the state department under ~~section 11 of this chapter~~ **IC 16-19-5-1** for a search of the records in the division of vital records, the state department shall charge a birth problems registry fee of two dollars (\$2) for each search of the records for a birth certificate. The fees collected under this section shall be deposited in the birth problems registry fund established by IC 16-38-4-17.

SECTION 8. IC 16-41-39.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 39.2. Lead-Based Paint Poisoning Prevention Program

Sec. 1. (a) The state department shall establish a lead-based paint poisoning prevention program under the federal Toxic Substances Control Act (15 U.S.C. 2682 et seq.) concerning prerenovation education and renovation activities performed for compensation in target housing and child-occupied facilities to ensure the following:

- (1) Individuals engaged in these activities are properly trained.
- (2) Training programs are accredited.
- (3) Contractors engaged in these activities are certified.

(b) The state department shall include the following in the

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program:

(1) Standards for performing renovations, including:

(A) reliability;

(B) effectiveness; and

(C) safety.

(2) A requirement that all renovation activities performed for compensation in target housing and child-occupied facilities be performed by certified contractors.

(3) Rules governing education requirements that must be completed by an individual before the renovation activities for compensation may occur.

Sec. 2. The state department's program must:

(1) be at least as protective as the federal regulations under 40 CFR Par 745, Subparts E and L; and

(2) provide for adequate enforcement.

Sec. 3. The state department shall adopt rules under IC 4-22-2 necessary to implement this chapter.

SECTION 9. IC 16-42-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 23. (a) The state department may do the following:

(1) Enter at any time a food establishment or place suspected of being a food establishment.

(2) Inspect the premises, utensils, fixtures, equipment, furniture, and machinery used in food handling.

(3) Collect a reasonable fee from a food establishment for a subsequent inspection that results from the food establishment's failure of an inspection under this chapter.

(b) The food establishment data base fund is established for the implementation and administration of a food establishment data base. The fund shall be administered by the state department and includes money appropriated to the fund and fees collected under subsection (a)(3).

(c) Money in the food establishment data base fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 10. IC 16-37-1-11 IS REPEALED [EFFECTIVE JULY 1, 2010].

SECTION 11. An emergency is declared for this act.

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